

**Fate of Burns'
Agents
Now in Hands of
Jury;
No Verdict Until
Today**

After Jurymen Had
Been

Out for One Hour,
Judge

Ben Hill Orders
Them

Locked in Kimball
House

for the Night.

*PARTICULAR CARE
URGED*

*AS TO MATTER OF
DOUBT*

*IN CASE AGAINST
LEHON*

Jurymen Instructed to
Con-

sider Law and
Evidence

and Have No
Thought of

Any Other Crime
Men-

tioned During Hearing.

A GREAT SPEECH!

Perhaps as great a compliment as Solicitor Dorsey ever had paid him was given to him last night by C. C. Tedder.

The Case had gone to the Jury. A group of men were talking to Solicitor Dorsey while waiting to hear from the Jury. Mr. Tedder came into the group.

"Mr. Dorsey," he said, "your speech tonight was one of the best I have ever heard you make."

There was a general laugh.

Mr. Dorsey thanked Mr. Tedder for his frankness and assured him that he held no malice against him personally.

"I am glad to see you take it like a sport," said Mr. Dorsey.

The Case of Dan Lehon, Southern Manager for the Burns Detective Agency; C. C. Tedder, a former Burns Operative, and Arthur Thurman, the Attorney, charged with subornation of perjury in the R. L. Barber and Rev. C. B. Ragsdale Affidavits, incident of the Frank Case, went to the jury last night at 10 o'clock. When the jury had been out an hour without reaching a verdict, the Court announced, at 11 o'clock, that no verdict would be receivable until 9 o'clock Sunday morning.

The jury was escorted to the Kimball House, where they spent the night.

The evening session of the trial, which began at 7 o'clock and consisted of the argument for the Defense by Judge Arthur Powell and Argument for the prosecution by Solicitor General Hugh M. Dorsey, was attended by a Courtroom practically full of Spectators, there being a number of ladies in the crowd. Nearly all of the Spectators waited the full hour until the Announcement that there would be no verdict before dispersing.

URGES

CARE.

Judge Hill, in his circumstantial evidence charge, instructed the jury to satisfy themselves very particularly as to the possibility of doubt in the evidence against Lehon before returning a verdict of guilty.

The Judge instructed the Jury that, while all three of the Defendants are indicted jointly, if the Jury deems any one or more of the Defendants guilty and the other one or two innocent, it may so render a verdict. A verdict of simply "guilty" will be construed by the Court to apply to all three Defendants.

Judge Hill instructed the Jury that in considering the Case they are to hear but two voices: The law and the evidence. "You are to have no thought of any other crime mentioned," he said.

In his closing speech Solicitor Dorsey had referred a number of times to the Frank Case.

Judge Hill instructed the Jury explicitly evidence.

The two points to be decided by the Jury, he said, in order to bring in a verdict of guilty, are:

First, that the Ragsdale Affidavit is false.

Second, that the witness was procured by the Defendants by persuasion, promise of money or payment of money.

Judge Hill stated that the jury may convict in the latter point on the testimony of Ragsdale, if the jury believes that he has told the truth.

In considering the Ragsdale Affidavit, Judge Hill instructed the Jury to confine itself to that portion of the Affidavit explicitly set forth in the indictment.

SPEAKS FOR

DEFENSE.

The evening session opened with the argument of Judge Powell for the Defense. His speech was without pyrotechnics.

He declared that the Defendants in this Case, contrary to the Course expected to be pursued by guilty men, had made no attempt whatever to conceal anything, but that they had done everything in their power to bring all evidence bearing upon the Case to light.

Judge Powell's most startling statement was that if the jury was going to convict upon suspicion, which was Judge Powell's characterization of the evidence was as strong against the Solicitor General's Office as against the Defendants.

This was based on the suggestion that Tedder might have been the Solicitor's "plant" in the Burns camp instead of vice versa, as the prosecution

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FATE OF BURNS'
AGENTS

NOW IN HANDS
OF JURY

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contended. He stated that Solicitor Dorsey in his dear friend and exonerated him from any complicity.

Judge Powell made a scathing attack upon the testimony of Ragsdale, and stated that if Ragsdale's statement is true, Attorneys Rosser and Brandon are as guilty as the rest. He declared that Ragsdale committed perjury upon the Stand both in his statements and demeanor.

"Ragsdale is perjuring himself now," said Judge Powell, "to play in with the Solicitor General and save his poor old hide. He is looking for protection."

Judge Powell closed with eulogizing character sketches of the Defendants, and called the attention of the Jury to the fact that Lehon is a man with a family.

POWELL'S THEORY.

The theory of the Case, as presented to the Jury by Judge Powell, was that Ragsdale needed money and thought that there was a "big Jew slush fund," and decided to testify on the Frank side of the Case with the hope of getting money.

When the money gave out on this score, Ragsdale would then appeal for help on account of his financial embarrassment, and would proceed otherwise to try to get more money. But, contended Judge Powell, Ragsdale did not get the first money he had expected, or he would never have stopped until he got more. Failing to get money there, Ragsdale turned elsewhere, wherefore the recanting of his Affidavit was not due to a prick of conscience at all. In proof of this, Judge Powell declared that had conscience been the motive, Ragsdale would not have lied on the Stand in the present trial, as Judge Powell alleged to the Jury he did.

Solicitor Dorsey, in opening his argument, declared to the Jury that if they found in their minds the slightest reasonable doubt of the guilt of the defendants he did not want their verdict.

“The defense,” he said, “tries to make it appear that I am anxious to convict these men. My interest is no more than yours or any other good citizen. It does not mean a nickel in my pocket and it gives me no pleasure to prosecute these men, nor would it give me pleasure to convict them and separate them from their friends and families.”

He stated that if the Jury is convinced of the guilty of the Defendants, it is their duty as jurors to return a verdict of guilty.

Offsetting the contention of the Defense that Ragsdale’s misstatements constituted perjury, Solicitor Dorsey cited that Attorneys Rosser and Brandon, “able lawyers with trained legal minds,” and Tippet, the Stenographer, also became confused and had to correct their statements, wherefore it was to be expected that Barber and Ragsdale, under terrific strain, would make mistakes.

IMMUNITY

BATH DENIED.

Regarding Judge Powell’s charge that Ragsdale is playing for the mercy of Dorsey, the Solicitor said:

“The Defense insinuates a promise of immunity for Ragsdale and Barber. That is untrue. But when they come into Court and plead guilty, as they will, I will plead the old man’s unfortunate predicament by which he was used as putty in the hands of Thurman, Tedder and Lehon, and I will ask the mercy of the Court, though I have never made any such promise. If you were Solicitor General,” he said to the Jury, “who would you put on trial first, these instigators here or the old man they used as a cat’s paw? Ragsdale and Barber will suffer, but they will suffer more for the

crime of these three Defendants than they will for their own crimes.”

Solicitor Dorsey declared that Thurman was the man who got Ragsdale into the original trouble that led to all the rest. He dared the defense to lay hands on a single deed which was not attested by Thurman.

The defense protested, but Judge Hill ordered Dorsey to proceed, although Dorsey offered to allow the Defense time to reply to that charge.

When the Solicitor declared that Burns came to Atlanta to upset things and to send Pat Campbell, Starnes and other City Detectives to the penitentiary, the Defense again protested that there was nothing in the evidence to support the statement. Judge Hill allowed the Solicitor to proceed.

OPPORTUNITY OF LIFETIME.

“You have the opportunity of a lifetime,” said Mr. Dorsey to the jury, “to throw back into the teeth of the Burns men the crookedness they came here to do.”

Solicitor Dorsey outlined the theory of the Case, as follows:

Frank is convicted. Enter Burns and Lehon. Time flies; something must be done quickly. Then he said:

“I’ll bet there was rejoicing in Burnsdom when those Affidavits were signed, and Tedder and Lehon were the Heroes of the moment.”

He cited Attorney Haas as saying that Burns was here eating up money, and he said that the money was paid just at the time of the Affidavits were made.

His theory continued:

Money was needed. Ragsdale was in Thurman's hands. Thurman needed money. Burns was hungry. Lehon was anxious. Enter Tedder. "I would have told them all that both Tedder and Bill Smith knew for nothing," said Mr. Dorsey, "And they could have saved that \$500."

"I knew that Tedder was working for Burns," said Dorsey, "but neither Tedder nor Bill Smith claim that I put Tedder up to it. But if they did claim that this piece of infamy was going on and that I knew about it, I would require oaths other than from Tedder and Billy Smith. Judge Powell exonerates me, but I seek nowhere else to lay responsibility. If this had been going on in my office I would have known about it."

Solicitor Dorsey read the Contract between Tedder and Burns Agency, which stipulated that all information furnished by Tedder must be the truth.

OFFER

AN INSULT.

"The offer of such a contract as that," said Mr. Dorsey, "would have been an insult to an honest man."

After pointing out that the Principal Function of a Contract is to stipulate the compensation for services rendered, he cited that the Contract between Tedder and the Burns Agency stipulated that the compensation should be an amount verbally agreed upon previously, and did not state the amount.

"The sense of this," said Mr. Dorsey, "is, 'Deliver, Mr. Tedder!'"

"On this contract," continued Mr. Dorsey to the jury, "\$250 was paid immediately. Maybe you can wash that down, if you are just dead bent on turning these men loose anyway."

Mr. Dorsey stated that the Defense, contrary to its claim, did not produce evidence until the prosecution showed them that

they could produce the evidence anyhow. He cited it as remarkable that the expense accounts of Tedder for going around the country had never been produced. He also pointed out that Rogers and other Burns operatives had numbers and made reports, but that it had not been shown that Tedder had a number, nor that he made any reports. There were other unproduced papers, which, Sears had said, were in Birmingham, which Dorsey declared could have been produced in Atlanta within five hours, had the Defense been desirous of producing them. The register showing Tedder's presence in Birmingham, Dorsey declared, had been tampered with, and there was no evidence to show that Tedder had been elsewhere on the \$250 expense money.

MEMORY

FALLS.

After citing the testimony of Dr. Wildauer as to the specific amount and specific Date of Payment to Lehon, Dorsey cited the Record in the Frank Case to show that fourteen days after Lehon declared that his money was not clear on the point and that it was after much "poking in the hole" that Lehon told the facts.

He held Lehon up to ridicule as the great Detective upon the allegation that Lehon was not familiar with the contents of Ragsdale Affidavit further than that Thurman knew "a preacher" who knew something, and letting the Affidavit be made on this much knowledge.

He interpreted this to mean that Thurman was holding Ragsdale in the offing until he was assured of his money before he disclosed the identity of his man to the Burns people.

He declared that if any honest citizen had known what Ragsdale was supposed to have known, no power could have held it quiet.

In speaking of the difficulties a Solicitor has to labor under to get the evidence on the right men, Dorsey said to the jury:

“It’s a job to catch ‘em; don’t let ‘em go!”

Argument Begins.

Argument in the Case began at 3:25 o’clock Saturday afternoon, when each side rested its Case, and St. Clair Adams, an Attorney of New Orleans, La., opened the argument in behalf of the Detectives with a brilliant speech, in which he branded as false every part of Rev. C. B. Ragsdale and R. L. Barber’s testimony.

The defense, throughout the morning hours, introduced evidence tending to impeach Ragsdale’s testimony. Several grand jurors were called, and when I. N. Hirsch was placed on the witness stand by Judge Powell to tell what Ragsdale told the Grand Jury last Monday, a lively tilt ensued between the Grand Juror and Solicitor Dorsey, who asked him if he had not told about Ragsdale’s testimony before the Grand Jury to the Attorneys for the Defense.

Had Consulted Counsel.

Mr. Hirsch admitted he had informed the Defense’s Attorneys of Ragsdale’s conflicting testimony. Mr. Dorsey then reminded him of his oath as a Grand Juror, but Mr. Hirsch retorted that he had advised the Defense’s Attorneys after consulting Counsel as to his right to do so.

Shortly after the beginning of the afternoon session, the three defendants, Dan S. Lehon, C. C. Tedder and Arthur Thurman, were placed on the Witness Stand to make their statements.

Thurman and Tedder denied any knowledge of money being paid to Ragsdale for his sensational Affidavit alleging that he had overheard a confession of Jim Conley to slaying Mary Phagan in the National Pencil Factory.

Lehon also denied any knowledge of the alleged payment of a considerable sum of money to Ragsdale for the Affidavit, and during his statement bitterly assailed the tactics of the City Police, charging them with persecution of himself and the Burns Detectives.

Burns' lieutenant was severe in his statements:

"The Police of the City have willfully persecuted me, and the Pinkerton Detective Agency has been behind the whole Affair. I was treated worse than a dog when I visited Police Station to investigate the Frank Case Evidence."

Mobbed in Marietta.

"I was nearly mobbed in Marietta, Ga., and throughout I have been needlessly dragged into a number of Courts, and placed in embarrassing positions. The City Police even tried me at one time on the minor charge of working as a Detective here without a license. I did not work as a Detective myself."

In Mr. Hirsch's testimony, it was brought out that Ragsdale had made an impression on the Grand Jurors that he was not at himself when he states he made the sensational Affidavit, purporting a confession of Jim Conley.

M. L. Lively, another member of the present Grand Jury, was brought upon the Witness Stand, and under Cross-Examination by Judge Powell, he testified that Ragsdale had testified that he was not at himself, meaning mentally, throughout the whole Affair.

Two other Star Witnesses for the Defense were two Baptist Ministers, T. E. McCutcheon, of Lithonia, and J. T. Jackson, of Atlanta. They testified that they had called on Ragsdale after he had recanted his Affidavit and stated that he (Ragsdale) had told them that he didn't know why he ever made the Affidavit.

Said He Felt "Hazy."

"He said he had a drink of water in Thurman's Office, and after that he felt 'hazy,' and only remembered he had gone to

another Office and signed a paper," they both swore. "He said they started to give him a drink of water out of a small glass in Thurman's Office, and somebody said, 'No, get the big one,' and that after that he felt dazed. He said he went back to Thurman's office the next day to see the paper he had signed, but it was not shown him."

The defense then put on a number of witnesses to show that Tedder had paid a number of good-sized debts during last April and the beginning of last May. This was done to account for the way in which \$500, given to Tedder by the Burns Agency as a salary, was spent.

Witnesses were also introduced to show that during this month, Tedder took a trip to Birmingham, and that much of the money was spent on this trip.

Throughout the morning and afternoon, it became evident that the jury was restless, and wished to finish with the Case as early as possible. When asked by Judge Hill if they wished to adjourn the Case until Monday, they all replied that they wished to stay on the job until the Case was ended.

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**WILL LEO
FRANK**

BE TRIED AGAIN?

Lawyers Discuss Next
Move

in Case, Provided
Prisoner

Should Win in the
United

States Supreme
Court.

In the event Leo M. Frank is given his freedom by the United States Supreme Court, will he be prosecuted in the Fulton Superior Courts on another Charge?

This question is taking on wide significance now because of the rumor current in Court Circles that, in event Frank is liberated on the Habeas Corpus Appeal, Solicitor Dorsey and his Associates will make a strong effort to have him indicted before the Grand Jury on one of two charges—rape or perversion.

The report has reached such a point that there is widespread speculation upon it wherever Attorneys gather. It is generally acknowledged that the Prisoner can be legally arraigned a Second time if either of the rumored charges are brought against him.

Fight Case to End.

The probability is made even more apparent by the Attitude of Solicitor Dorsey. Although non-committal, he declared that the State was determined to fight the Frank Case to the end. He likewise made this additional statement:

“I do not care, however, to anticipate what may be done by the State should Frank be liberated eventually in the Proceedings now before the United States Supreme Court.”

“As to what can be done, so far as I know, there is no law which would prevent action being taken against him on either the charge of rape or perversion.”

He would neither deny nor affirm the report, however, that the prosecution had already determined to take such steps against the convicted man if the United States Courts interposed.

The reticence of Pat Campbell and John Starnes, the Police Headquarters Detectives who were named in the bill of indictment as Prosecutor of Frank for Mary Phagan’s murder, leads many to attach credence to the report. When asked if they had contemplated further prosecution of Frank if he obtained freedom, they declined to express themselves either one way or the other.

Can Be Tried Again.

That Frank can be brought before the Courts on either of the two above named charges was admitted by Attorney Reuben Arnold, Associate Counsel for Frank's Defense and one of the Principals in the famous trial. Like Mr. Dorsey, he declared that there was no way of preventing action on these grounds.

The plea of former jeopardy, he said, would be to no avail. A new charge, in such Circumstances, would have to be similar to the one on which he was convicted before a plea of former jeopardy could be instituted.

Mr. Arnold added, however:

"I hardly see where any unprejudiced Jury, though, would convict Frank, or any other man, under such conditions. Prosecution would cease at such a point and become sheer persecution."
